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REMARKS

The Examiner's Office Action of November 4, 2004 has been received and its contents reviewed. Applicants would like to thank the Examiner for the consideration given to the above-identified application.

By the above actions, claims 1-16 have been amended and claims 17-44 have been newly added. Accordingly, claims 1-44 are pending for consideration, of which claims 1, 9, 17, 25, 33 and 39 are independent. In view of these actions and the following remarks, reconsideration of this application is now requested.

Referring now to the detailed Office Action, claims 1-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Nishi et al. (US 2003/111666 A1 – hereafter Nishi). This rejection is respectfully traversed at least for the reasons provided below.

Applicants have amended independent claims 1 and 9 to further clarify the claimed invention. To facilitate the explanation of the presently claimed invention, Applicants respectfully direct the Examiner's attention to Figs 1A and 1D, for example. As shown in the drawings, an embodiment of the present invention is characterized in that a first conductive film 12 is formed on the organic insulating film 11 and a second conductive film 13 is formed on the first conductive film 12 (Fig. 1A), and in that a nitride film 14 is formed on the organic insulating film 11, a first conductive film 12 is formed on the nitride film 14, and a second conductive film 13 is formed on the first conductive film 12 (Fig. 1D).

In the rejection, the Examiner alleges that Nishi discloses a first conductive film (647), a second conductive film (646), a nitride film (645), an organic insulating film and the like. However, the reference numeral 646 appears to indicate "a second interlayer insulating film", is disclosed on page 18, paragraph [0205] of Nishi. As element 646 of Nishi is an insulating film, it does not and cannot correspond to the second conductive film of the present invention as alleged by the Examiner.

Further, it appears that Nishi fails to teach Applicants' claimed feature of "flattening a surface of the second conductive film by selectively performing a heat treatment under reduced pressure or in normal pressure" as recited in amended claims 1 and 9. The Examiner asserts that page 18, paragraph [0204] of Nishi discloses this feature. However, no support for the claimed feature can be found therein. Should the Examiner continue to make

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this assertion, Applicants would respectfully request the Examiner to quote the specific text in Nishi for support.

Consequently, since each and every feature of the present claims is not taught (and is not inherent) in the teachings of Nishi, as is required by MPEP Chapter 213 in order to establish anticipation, the rejection of claims 1-16, under 35 U.S.C. §102(e) as anticipated by Nishi is improper.

Note that, although the original claims clearly distinguish over Nishi at least for the reason that Nishi fails to recite Applicants' second conductive film as discussed above, Applicants have amended claims 1 and 9 to add the features of "forming an organic insulating film", "forming an opening portion in the organic insulating film" and "forming a first conductive film...in the opening portion" in order to further clarify the steps of the present invention and further distinguish the claimed invention from that of Nishi.

Additionally, Applicants have amended claims 1-16 to improve the claim language, as shown above. Further, Applicants have added new claims 17-44 to further complete the scope of the invention to which Applicants are entitled. Claims 17-44 are based on claims 1-16 and are distinguished from Nishi for the same reason as set forth in the arguments relating to the §102(e) rejection of claim 1-16 above.

In view of the amendments and arguments set forth above, Applicants respectfully request reconsideration and withdrawal of all the pending §102(e) rejection.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



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